Supreme Court, U.S.
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ORIGINAL

No.: 99-1468

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF FLORIDA,
Petitioner,

vs.

JEFF WILSON,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA

RESPONDENT'S MOTION TO PROCEED IN FORMA PAUPERIS

RICHARD L. JORANDBY
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15th Judicial Circuit of Florida
421 Third Street, 5th Floor
West Palm Beach, Florida 33401
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Margaret Good-Earnest*
Fla. Bar No. 192356
Assistant Public Defender
Chief, Appellate Division

Counsel for Respondent

*Counsel of record

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SUPREME COURT, U.S.

29pp

COMES NOW Jeff Wilson, respondent, and moves this Court, pursuant to Rule 39.1, to declare him indigent and allow him to proceed in forma pauperis in this cause, in particular to waive any filing fees. As grounds therefore, he says:

1. Petitioner, the State of Florida, has filed a petition for a writ of certiorari to review the decision of the Supreme Court of Florida denying review of an intermediate court's ruling concerning the suppression of evidence in a prosecution against respondent.

2. Respondent was declared indigent throughout the state court proceedings.

3. Respondent continues to be indigent for all court proceedings since that time.

4. Respondent files herewith his affidavit that he is now indigent and without funds to pay any fees or costs in this action. Appendix A.

5. Federal statute requires all courts of the United States to allow commencement and prosecution of any suit without prepayment of fees or costs upon the showing made above. 28 U.S.C. §1915(a).

6. Refusal to allow respondent to proceed in forma pauperis would deny him equal protection of the law, meaningful access to the courts, and due process of law since he cannot otherwise oppose the petition. Cf. Burns v. Ohio, 360 U.S. 252 (1959) (fees should be waived for discretionary appeal by indigent); Smith v. Bennett,

365 U.S. 708 (1961) (fees should be waived for indigent prisoner seeking state habeas relief).

WHREFORE, respondent moves this Court declare him indigent and allow filing and prosecution of this petition without payment of any fees or costs.

Respectfully submitted,

RICHARD JORANDBY
Public Defender
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421 Third Street
West Palm Beach, FL 33401
(561) 355-7600

Margaret Good-Earnest
Margaret Good-Earnest
Fla. Bar No. 192356
Chief, Appellate Division
Assistant Public Defender

Counsel for Respondent

No.: 99-1468

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF FLORIDA,
Petitioner,

vs.

JEFF WILSON,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF FLORIDA

RESPONDENT'S AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.

RICHARD L. JORANDBY
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Fla. Bar No. 192356
Assistant Public Defender
Chief, Appellate Division

Counsel for Respondent

*Counsel of record

I, JEFF WILSON, being first duly sworn, depose and say:

1. I am the Respondent in the above-styled cause.

2. In support of my Motion For Leave to Proceed In Forma Pauperis and waive any fees or costs therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress; and that among the issues which I desire to present in response to the petition is that the petition presents no basis for reversing the decision of the state supreme court.

3. I further swear that the following statements relating to my ability to pay the cost of prosecuting the petition are true:

4. I understand that a false statement in this affidavit will subject me to penalties for perjury.

Jeff Wilson

SUBSCRIBED AND SWORN To before me this 28 day of March, 2000.

NOTARY

Gerald L. Justine
MY COMMISSION # CC516464 EXPIRES
March 27, 2001
BONDED THRU TROY FAIN INSURANCE, INC.

No.: 99-1468

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF FLORIDA,
Petitioner,

vs.

JEFF WILSON,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE
SUPREME COURT OF FLORIDA

BRIEF IN OPPOSITION

RICHARD L. JORANDBY
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15th Judicial Circuit of Florida
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Gary Caldwell
Fla. Bar No. 256919
Assistant Public Defender

*Counsel of record

QUESTION PRESENTED

Should the Court review a state court ruling in a case in which, after the appeal, the state entered a nolle prosequi, and, pursuant to state law, it cannot refile charges against the defendant?

Should the Court review a state court ruling decided on state law grounds as well as constitutional grounds where petitioner argued only state law grounds for review in the state supreme court?

Is it never unreasonable for a police officer conducting a traffic stop to order a passenger, who has left the lawfully parked car, to return to the car?

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JURISDICTION

The state supreme court denied rehearing on 8 December 1999, so that the petition is timely filed. On 29 November, 1999, the state filed a nolle prosequi in the trial court. The case no longer exists. Under Florida law, petitioner may not refile its charges against respondent. This cause is now moot; there is no jurisdiction under Article III. The state supreme court decided only the state law question of whether the decision of the district court of appeal expressly and directly conflicted with the decision of another state appellate court on the same question of law. Hence, there is no jurisdiction under 28 USC 1257.

PROVISIONS OF LAW INVOLVED

Article III of the Constitution provides in pertinent part:

> Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority ... .

Rule 3.191, Florida Rules of Criminal Procedure, states in pertinent part:

> (m) Effect of Mistrial; Appeal; Order of New Trial. A person who is to be tried again or whose trial has been delayed by an appeal by the state or the defendant shall be brought to trial within 90 days from the date of declaration of a mistrial by the trial court, the date of an order by the trial court granting a new trial, the date of an order by the trial court granting a motion in arrest of judgment, or the date of receipt by the trial

court of a mandate, order, or notice of whatever form from an appellate or other reviewing court that makes possible a new trial for the defendant, whichever is last in time. If a defendant is not brought to trial within the prescribed time periods, the defendant shall be entitled to the appropriate remedy as set forth in subdivision (p).

(n) Discharge from Crime; Effect. Discharge from a crime under this rule shall operate to bar prosecution of the crime charged and of all other crimes on which trial has not commenced nor conviction obtained nor adjudication withheld and that were or might have been charged as a result of the same conduct or criminal episode as a lesser degree or lesser included offense.

(o) Nolle Prosequi; Effect. The intent and effect of this rule shall not be avoided by the state by entering a nolle prosequi to a crime charged and by prosecuting a new crime grounded on the same conduct or criminal episode or otherwise by prosecuting new and different charges based on the same conduct or criminal episode whether or not the pending charge is suspended, continued, or is the subject of entry of a nolle prosequi.

Section 901.151, Florida Statutes provides:

901.151. **Stop and Frisk Law**

(1) This section may be known and cited as the "Florida Stop and Frisk Law."

(2) Whenever any law enforcement officer of this state encounters any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of the criminal laws of this state or the criminal ordinances of any municipality or county, the officer may temporarily detain such person for the purpose of ascertaining the identity of the person temporarily detained and the circumstances surrounding the person's presence abroad which led the officer to believe that the person had

committed, was committing, or was about to commit a criminal offense.

(3) No person shall be temporarily detained under the provisions of subsection (2) longer than is reasonably necessary to effect the purposes of that subsection. Such temporary detention shall not extend beyond the place where it was first effected or the immediate vicinity thereof.

(4) If at any time after the onset of the temporary detention authorized by subsection (2), probable cause for arrest of person shall appear, the person shall be arrested. If, after an inquiry into the circumstances which prompted the temporary detention, no probable cause for the arrest of the person shall appear, the person shall be released.

(5) Whenever any law enforcement officer authorized to detain temporarily any person under the provisions of subsection (2) has probable cause to believe that any person whom the officer has temporarily detained, or is about to detain temporarily, is armed with a dangerous weapon and therefore offers a threat to the safety of the officer or any other person, the officer may search such person so temporarily detained only to the extent necessary to disclose, and for the purpose of disclosing, the presence of such weapon. If such a search discloses such a weapon or any evidence of a criminal offense it may be seized.

(6) No evidence seized by a law enforcement officer in any search under this section shall be admissible against any person in any court of this state or political subdivision thereof unless the search which disclosed its existence was authorized by and conducted in compliance with the provisions of subsections (2)-(5).

Article 5, section 3 of the Florida Constitution provides in pertinent part:

(b) Jurisdiction.--The supreme court:

. . . .

> (3) May review any decision of a district court of appeal that expressly declares valid a state statute, or that expressly construes a provision of the state or federal constitution, or that expressly affects a class of constitutional or state officers, or that expressly and directly conflicts with a decision of another district court of appeal or of the supreme court on the same question of law.

STATEMENT OF THE CASE

Respondent moved in the trial court to exclude physical evidence, arguing on state law grounds that the evidence was inadmissible under section 901.151, Florida Statutes, and that it was subject to exclusion under the Fourth Amendment. After t' trial court denied the motion, he appealed. The District Court of Appeal for the Fourth District of Florida ruled that the evidence was inadmissible under section 901.151 and the Fourth Amendment. Wilson v. State, 734 So. 2d 1107 (Fla. 4th DCA), rev. denied State v. Wilson, 749 So. 2d 504 (Fla. 1999) (table).

The district court of appeal denied petitioner's motion for stay of mandate on 7 September 1999. Appendix A. On 22 September it issued its mandate, triggering the 90-day speedy trial time under Florida Criminal Rule 3.191(m). Appendix B.

The state then sought review in the state supreme court. It sought review not on the ground that the lower court had construed

a provision of the federal constitution, but only on the state law ground that the district court of appeal's decision directly and expressly conflicted with the decision of another district court of appeal. Appendix C. On 11 October 1999, the state supreme court refused to stay the lower court's mandate. Appendix D.

Instead of obtaining a tolling of Florida's speedy trial rule, the state entered its "Nolle Prosse" on 29 November 1999. Appendix E.

The state supreme court denied review 8 December 1999. State v. Wilson.

ARGUMENT

A. This cause is moot. The state has entered a nolle prosequi. There is no present case or controversy and the petition should be dismissed. Cf. Florida v. Brady, 467 U.S. 1201 (1984) ("The writ of certiorari as to respondent Brady is dismissed it appearing that the Circuit Court of Florida, Martin County, has accepted the State's nolle prosequi."); see also Burk v. Washington, 713 So.2d 988, 989 (Fla. 1998) ("Washington's counsel filed a motion for discharge under the speedy trial rule in the county court on February 27, 1996, but the motion was rendered moot and the county court prosecution ended after the State filed a nolle prosequi in the case.").

If the state were to try to reinstitute the prosecution, it would be barred under Florida's speedy trial rule. There is no effectual relief which this Court can give to petitioner. Under Article III, federal courts may not "give opinions upon moot questions". Mills v. Green, 159 U.S. 651, 653 (1895), Calderon v. Moore,518 U.S. 149, 150 (1996).

Under rule 3.191(m), Florida Rules of Criminal Procedure, petitioner had 90 days from receipt of the appellate court's mandate in which to try appellant. This rule provides an express, uniform rule within which a defendant "must be brought to trial after various appellate proceedings by either the state or defendant". State v. Rohm, 645 So. 2d 968, 969-70 (Fla. 1994) (e.s.) (quoting State v. Jenkins, 389 So. 2d 971, 976 (Fla. 1980)). Pursuant to subsection (n), failure to do so would result in respondent's being discharged as to the instant offenses and any other charges arising from the same episode. Instead of trying him or seeking an extension of the speedy trial period under subsection (i) of the rule, petitioner entered its "Nolle Prosse" on 29 November 1999. Under subsection (n), this action did not toll or extend the speedy trial time period. The 90 day time period for trying respondent under State v. Rohm has long since passed.

In State v. Agee, 622 So. 2d 473, 475 (Fla. 1993) the state supreme court held that:

> ... when the State enters a nol pros, the speedy trial period continues to run and the State may not refile charges based on the same conduct after the period has expired.

See also Genden v. Fuller, 648 So. 2d 1183 (Fla. 1995) and P.S. v. State, 658 So. 2d 92 (Fla. 1995).

Hence, at bar, petitioner "may not refile" its charges against respondent. He is discharged as to the offenses at bar. There is no effectual relief which this Court can give to petitioner. The cause is moot. The petition should be denied.

B. The state supreme court has jurisdiction to hear constitutional questions. See Melbourne v. State, 679 So. 2d 759, 762 (Fla. 1996) ("We have for review Melbourne v. State, 655 So. 2d 126 (Fla. 5th DCA 1995), which expressly construes a provision of the state and federal constitutions. We have jurisdiction. Art. V, § 3(b)(3), Fla. Const."). Nevertheless, petitioner did not seek review in the state supreme court on constitutional grounds.

Although the petition claims jurisdiction under 28 USC 1257, it fails to note that petitioner sought review only on the state law ground that the decision conflicted with the decision of another intermediate state appellate court. Appendix C.

Thus, the only question before the state supreme court was whether there was conflict jurisdiction, a question of state law only. In The Florida Star v. B.J.F., 530 So. 2d 286, 288, the supreme court wrote regarding its conflict jurisdiction:

> As the final authority on the meaning of the Florida Constitution, see Art. IV, § 1(c), and Art. V, § 3(b)(1), Fla. Const., this Court has the final and inherent power to determine what constitutes express and direct conflict. No other authority exists, except the people pursuant to their power to amend the constitution, that may nullify this Court's pronouncements on that question.

At pages 288-89, it described the scope of this conflict jurisdiction: "While this Court has subject-matter jurisdiction to hear any petition arising from an opinion that establishes a point of law, we have operated within the intent of the constitution's framers, as we perceive it, in refusing to exercise our discretion where the opinion below establishes no point of law contrary to a decision of this Court or another district court."

From the foregoing, petitioner's claim is not properly presented for certiorari review. Compare the case at bar with Victor v. Nebraska, 511 U.S. 1, 19 (1994) ("Because the last state court in which review could be had considered Victor's constitutional claim on the merits, it is properly presented for our review despite Victor's failure to object to the instruction at trial or raise the issue on direct appeal.").

Further, there are independent state law grounds for the decision of the intermediate appellate court. The district court of appeal based its decision both on the Fourth Amendment and on section 901.151, Florida Statutes.

Section 901.151(6) bars the admission of evidence seized in violation of the statute's provisions. In its analysis, the district court of appeal relied in part or cases involving solely the state law ground of the admissibility of evidence under section 901.151, such as Moore v. State, 584 So. 2d 1122, 1123 (Fla. 4th DCA 1991) and State v. Stevens, 354 So. 2d 1244 (Fla. 4th DCA 1978). In Moore, the court found evidence inadmissible under section 901.151. In State v. Stevens, the court found no violation of the statute, so that the evidence was admissible. Neither case contains any discussion of the constitutional exclusionary rule.

Florida's rules for exclusion of illegally seized evidence long precede the application of the Fourth Amendment to the states. See, e.g., Hart v. State, 103 So. 2d 633, 634-35 (Fla. 1925).

Accordingly, there is an independent state law ground for barring the evidence here. Hence, this is no federal jurisdiction. See, e.g., Fox Film Corp. v. Muller, 296 U.S. 207, 210 (1935) (citing "firmly fixed" rule).

Apparently realizing this problem, petitioner says at footnote 4 of page 14 of the petition: "All review by the Supreme Court of Florida of Fourth Amendment issues must be construed in conjunction with case law from this Court. Art. I, Sec 12, Florida Constitution provides that the right afforded by this provision 'shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United State Supreme court.' See Perez v. State, 620 So. 2d 1256 (Fla. 1993)."

Respondent can hardly dispute that "Fourth Amendment issues" are governed by decisions of this Court. He notes, however, the states are free to put greater restraints on their police than does the federal constitution. Section 901.151 acts as such a constraint. Perez did not involve any question regarding the application of section 901.151. The statute provides an adequate and complete basis for rendering the evidence inadmissible. Petitioner may not re-litigate this state law issue in this federal court.

C. The Fourth Amendment forbids "unreasonable searches and seizures". The petition seems to present the argument that it is per se reasonable for a police officer to order a passenger back into a lawfully parked car during a traffic stop. That is, it

presents the claim that only individual police officers[1] may decide whether such action is reasonable. No judge, it contends, may ever consider the reasonableness of such a seizure of the person.

The petition puts forward no policy or historical argument in favor of this position. It admits that no decision of the Court compels such a result. Nevertheless, it asks the Court to decide that the courts of Florida are incompetent to decide the issue. In this regard, it contends at page 11: "Authorizing the police to determine how to best proceed with a traffic stop, including when passengers are present, will minimize the risk of harm to both the police and the car's occupants." The state further contends in an adjoining footnote that it will be wise for officers to keep all the occupants in or at the car so that his attention will be undivided and he will be better prepared for all exigencies as he keeps everyone in his field of vision.

This is a peculiar argument given that, at bar, the officer did divide his attention and did not keep everyone in his field of vision. After appellant re-entered the car, the officer had the driver get out, and devoted his undivided attention to him as he

---

[1] The officer at bar acted on no rule established by his department, but only on his own policy of keeping together all persons involved in traffic stops.

patted him down, arrested him, and put him in the patrol car before returning his attention to respondent. As noted by the district court of appeal, "passenger access to weapons potentially concealed inside a car, would be increased if passengers were forced back inside the vehicle." Wilson v. State, 734 So.2d at 1111.

The petition refers to the concerns for the safety of police officers set out in Maryland v. Wilson, 519 U.S. 408 (1997). There, a state trooper was engaged in an evening traffic stop on an interstate highway. As a practical matter, the passenger, Wilson, was not free to leave the area until the traffic stop was over; an interstate highway is no place for pedestrians. The case did not involve a car lawfully parked at a place of business. There is no reason that the passenger should not have been free to go about his business.

One can easily imagine variations on these facts in which it would or would not be reasonable for an officer to detain the passenger during a traffic stop. Indeed, one can also easily imagine variations in which it would or would be reasonable to detain passersby or persons coming out of the Getaway Bar. This does not mean, however, that the state court is incompetent to determine the reasonableness of the officer's actions. Florida's judges are not indifferent to the safety of Florida law enforcement

officers. There is no cause for establishing an immutable rule that all detentions of passengers in traffic stops are automatically reasonable under all circumstances.

The petition also suggests that this case is in some way similar to Illinois v. Wardlow, - U.S. - (2000). There, the Court held that the police had a reasonable suspicion of criminal activity when Wardlow fled upon seeing officers on patrol. The Court observed: "Headlong flight - wherever it occurs - is the consummate act of evasion: it is not necessarily indicative of wrongdoing, but it is certainly suggestive of such." The Court added that its holding:

> is entirely consistent with our decision in Florida v. Royer, 460 U.S. 491 (1983), where we held that when an officer, without reasonable suspicion or probable cause, approaches an individual, the individual has a right to ignore the police and go about his business. Id., at 498, 103 S.Ct. 1319. And any "refusal to cooperate, without more, does not furnish the minimal level of objective justification needed for a detention or seizure." Florida v. Bostick, 501 U.S. 429, 437, 111 S.Ct. 2382, 115 L.Ed.2d 389 (1991). But unprovoked flight is simply not a mere refusal to cooperate. Flight, by its very nature, is not "going about one's business"; in fact, it is just the opposite.

Wardlow, - U.S. at - (e.s.).

At bar, of course, there has been no contention that the officer suspected that respondent was involved in criminal

activity.[2] Respondent did not engage in headlong flight; he simply went about his business. Wardlow has no application at bar.

CONCLUSION

The Court should deny the petition.

Respectfully submitted,

RICHARD JORANDBY
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Margaret Good-Earnest
Margaret Good-Earnest
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Chief, Appellate Division
Assistant Public Defender

Gary Caldwell
Fla. Bar No. 256919
Assistant Public Defender

Counsel for Respondent

---

[2] "Murray acknowledged that he had no reason to suspect the passenger of committing a crime or possessing any weapons or contraband." Wilson, 734 So. 2d at 1109.

No.: 99-1468

IN THE SUPREME COURT OF THE UNITED STATES

STATE OF FLORIDA,
Petitioner,

vs.

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ON PETITION FOR WRIT OF CERTIORARI TO THE
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APPENDIX TO BRIEF IN OPPOSITION

RICHARD L. JORANDBY
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C	State's notice to seek discretionary review in state supreme court
D	Supreme Court of Florida order denying stay of mandate
E	Nolle prosequi

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, P.O. BOX 3315, WEST PALM BEACH, FL 33402

September 7, 1999

CASE NO.: 98-1736
L.T. No. : 97-7412 CFA02

Jeff Wilson v. State Of Florida

Appellant / Petitioner(s), Appellee / Respondent(s).

BY ORDER OF THE COURT:

ORDERED that the appellee's August 3, 1999, motion to stay/recall mandate is hereby denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Marilyn Beuttenmuller
MARILYN BEUTTENMULLER, Clerk
Fourth District Court of Appeal

DISTRICT COURT OF APPEAL
FOURTH DISTRICT
SAY CIRCUIT
STATE OF FLORIDA

Served:

Public Defender-P.B. Attorney General-Ft Lauderdale Attorney General-W.P.B.

pb

PUBLIC DEFENDER
APPELLATE DIVISION
SEP 9
15TH JUDICIAL CIRCUIT

A KF

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

This cause having been brought to the Court by appeal, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the Honorable MARTHA C.WARNER, Chief Judge of the District Court of Appeal of the State of Florida, Fourth District, and seal of the said Court at West Palm Beach, Florida on this day.

DATE: September 22, 1999

CASE NO.: 98-1736

COUNTY OF ORIGIN: Palm Beach

T.C. CASE NO.: 97-7412 CFA02

STYLE: JEFF WILSON v. STATE OF FLORIDA

DISTRICT COURT OF APPEAL * FOURTH DISTRICT * STATE OF FLORIDA

Marilyn Beuttenmuller

MARILYN BEUTTENMULLER, Clerk
Fourth District Court of Appeal

SEP 23
15th JUDICIAL CIRCUIT

ORIGINAL TO: Dorothy H. Wilken, Clerk

cc:
Public Defender-P.B.
Attorney General-Ft Lauderdale

al

KF

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA, FOURTH DISTRICT

CASE NO. 98-1736

JEFF WILSON,

Appellant/Respondent,

vs.

THE STATE OF FLORIDA,

Appellee/Petitioner.
_____/

NOTICE TO INVOKE DISCRETIONARY JURISDICTION

NOTICE IS GIVEN that Petitioner, **THE STATE OF FLORIDA**, by and through undersigned counsel, pursuant to Fla. R. App. P. 9.030(a)(2)(A)(iv), invokes the discretionary jurisdiction of the Supreme Court of Florida to review the decision of this Court rendered on May 5, 1999 rehearing denied July 20, 1999. The decision is in direct and express conflict with *Hines v. State*, 24 Fla. L. Weekly D1672 (Fla. 1st DCA July 15, 1999).

Respectfully submitted,
ROBERT A. BUTTERWORTH
Attorney General

MICHAEL J. NEIMAND
Assistant Attorney General
Florida Bar No. 0239437
Office of the Attorney General
110 S.E. 6th Street, 10th Floor
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(954) 712-4600
Fax no. (954) 712-4761

C

Supreme Court of Florida

MONDAY, OCTOBER 11, 1999

STATE OF FLORIDA,	**	
	**	
Petitioner,	**	
	**	
v.	**	
	**	CASE NO. 96,237
JEFF WILSON,	**	
	**	
Respondent.	**	
	**	
	**	

Motion to Review Denial of Motion to Stay/Recall Mandate is hereby denied.

A True Copy

TEST:

Debbie Causseaux
Acting Clerk, Supreme Court

H

cc: Mr. Michael J. Neimand
Ms. Mallorye Cunningham
Ms. Margaret Good-Earnest

D

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION

CASE NO. 97-007412-CF A02 DIV. "S"

STATE OF FLORIDA

vs.

JEFFREY WILSON, W/M, 05/03/1978
_____/

FILED
1999 NOV 29 PM 1:06
DOROTHY H. WILKEN
CIR. & CO. CTS.
PALM BEACH CO., FL.

NOLLE PROSSE FOR:

Although there was probable cause for arrest and charge of the Defendant, this case is Nolle Prossed based on the Fourth DCA's ruling suppressing the drugs. The prosecution cannot proceed.

BARRY E. KRISCHER, STATE ATTORNEY

DATE: November 29, 1999

By: _____
ROBERT A. GENTILE
Assistant State Attorney
FL. BAR NO. 0545104

cc: Ann Lynch, Assistant Public Defender

PALM BEACH COUNTY, STATE OF FLORIDA
I hereby certify that the foregoing is a true copy of the record in my office
This 30 Day of March 20 00
DOROTHY H. WILKEN
Clerk Circuit Court
BY Linda R. Hamilton DC

MA...

49

E

No.: 99-1468

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PROOF OF SERVICE OF BRIEF IN OPPOSITION

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